

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit written statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Board of Professional Engineers & Land Surveyors, 2535 Capitol Oaks Drive, 3rd Floor Conference Room, Sacramento, CA 95833 at 10:00 a.m., on August 28, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice and must be received by the Board at its office not later than 5:00 p.m. on August 25, 2014, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections, 118, 141, 144, 2841.1, 2854, 4501.1 and 4504 of the Business and Professions (B&P) Code, and to implement, interpret or make specific sections 2878, 2878.6, 2878.8, 2892.1 2892.3, 4503, 4515, 4521.6, 4544, and 4545 of said Code; and section 11105 of the Penal Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Board is mandated to protect consumers from licensees who practice in an unsafe, incompetent, or impaired manner. In accordance with B&P Code, section 2841.1 and 4501.1, protection of the public shall be the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

B&P Code sections 2854 (VN) and 4504 (PT) authorize the Board to adopt, amend, or repeal such rules and regulations as may reasonably be necessary to enable it to carry into effect the provisions of the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

B&P Code sections 2892 (VN) and 4544 (PT) require licensees to renew his or her license to practice every two years, on or before the license expiration date on a form prescribed by the Board. As a condition of licensure renewal, a vocational nurse or psychiatric technician must disclose if he or she had been convicted of any violation of the law, with the exception of traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances, since they last applied for renewal.

The intent of this component of the renewal process is to identify licensees who have been convicted of a violation of the law, since their last renewal, which would be grounds for Board action. However, due to the low fine reporting threshold licensees must report a multitude of traffic infractions that are not grounds for discipline.

The Board is proposing the following changes:

- **Amend CCR sections 2571.5 (VN) and 2575.5 (PT)** - By increasing the fine reporting threshold from \$300 to \$1000 licensees will only have to report traffic related convictions if the fine exceeds \$999. A fine under \$1000 for a traffic infraction will be exempt from reporting, as long as it did not involve alcohol, dangerous drugs, or controlled substances.

B. Policy Statement Overview/Anticipated Benefits of Proposal

As stated previously, public protection is the highest priority of the Board and this proposal is consistent with that principle. The Board proposes to amend these regulations to address the issue of renewal applicants being required to disclose traffic infractions that do not constitute grounds for Board action. By increasing the fine reporting threshold, protection of the public will be better served and Board staff will be able to concentrate its efforts on other more critical enforcement-related activities.

C. Consistency and Compatibility with Existing State Regulations

The Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The regulatory proposal only affects vocational nurses and psychiatric technician licensees reporting conviction requirements required for licensure renewal.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

- This regulatory proposal will address the issue of renewal applicants being required to disclose traffic infractions that do not constitute grounds for Board action (no alcohol, dangerous drugs, or controlled substances were involved). By increasing the fine reporting threshold from \$300 to \$1000, protection of the public will be better served and Board staff will be able to concentrate its efforts on other more critical enforcement-related activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the person designated in this Notice under Contact Person or accessing the Board's Website, http://www.bvnpt.ca.gov/about_us/proposed_regulations.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Alice Delvey-Williams
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The backup contact person is:

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Website Access: Materials regarding this proposal can be found at
http://www.bvnpt.ca.gov/about_us/proposed_regulations.shtml..